

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3831 of 2007()

CRMP.754/2007 of DISTRICT COURT, KASARAGOD
C.R.NO.3 OF 2006 OF BADIADKA EXCISE RANGE
.....

: ACCUSED:

SATHI, AGED 46 YEARS, W/O.LATE KANNAN,
R/AT PALLAKKAD, KARIVEDAKAM VILLAGE,
KASARAGOD TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS: COMPLAINANT AND STATE:

1. STATE-REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE STATION HOUSE OFFICER,
(C.R.NO.3 OF 2006 OF BADIKA EXCISE RANGE),
KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.3831 of 2007

Dated this the 26th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under the provisions of the Kerala Abkari Act. She was allegedly found to be in possession of 200 X 100 ml of arrack in plastic packets. She allegedly ran away from the scene of the crime. There was no woman police constable along with the police party. In these circumstances, she could not be arrested. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. She has been arrayed as accused merely on the basis of suspicion, it is submitted.

3. The learned Public Prosecutor opposes the application. There are no circumstances justifying the invocation of the discretion under Section 438 Cr.P.C, it is submitted. Investigation is complete. Final report has already been filed. The petitioner must surrender before the learned Magistrate and seek regular bail, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. Final report having already been filed, it is for the petitioner to appear before the learned Magistrate and seek regular bail in the ordinary course.

5. The application is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-